



Serial No.: 09/747,619

Confirmation No.: 1867

Applicant: RYAN, Wayne L. et al.

Atty. Ref.: 12642.0046.NPUS00

REMARKS:

REMARKS REGARDING CLAIMS AMENDMENTS:

The above noted amendments to the claims have been made so that the scope and language of the claims is more precise and clear in defining what the Applicant considers to be the invention. Specifically, the dependency of claims 35-38 has been adjusted so that these claims are now dependent upon claim 1. In addition, claims 39, 40 and 41 have been amended to correct the units to percent by weight.

Support for the above amendments to the claims can be found in the original specification as filed.

The claims and amended claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.



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IN RESPONSE TO THE OFFICE ACTION:

FIRST REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 35-41 were rejected under 35 U.S.C. §112, second paragraph as being indefinite and failing to particularly point out the Applicant's invention.

In response, claims 35-38 have been amended so as to the specific concerns indicated by the Examiner in the Office Action. Specifically, the dependency of claims 35-38 has been adjusted so that these claims are now dependent upon claim 1.

In addition, claims 39, 40 and 41 have been amended to correct the units to percent by weight. Applicant's intention in making the above amendments is not to narrow the scope of the claims, but rather to correct formal matters within the claims.

Applicant submits that the above amendments obviate the rejection of the claims under 35 U.S.C. §112, second paragraph and thus ask that the Examiner reconsider and withdraw the rejection of the claims and indicate their allowance in the next paper from the Office.

FIRST REJECTION UNDER 35 U.S.C. § 103:

Claim 42 has been rejected under 35 U.S.C. §103(a) as being unpatentable given U.S. Patent No. 5,529,933 issued to Young et al. (the Young reference) in view of U.S. Patent No. 5,460,797 issued to Ryan (the Ryan reference).

Applicant submits that nothing in the art of record teaches or suggests the present invention as positively recited in claim 42. However in order to expedite the allowance of the present application, which contains allowable subject matter, Applicant has canceled claim 42 without prejudice. Applicant expressly reserves the right to represent claim 42 or a claim similar in scope to claim 42 in any co-pending continuation application that may be filed.

Given the above, Applicant submits that the basis for the rejection has been removed and that the Examiner indicates the allowance of the remaining claims in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.



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The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12642.0046.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carter J. White".

Carter J. White

Patent Attorney

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Date: 6 Aug 03